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## NEWS

# Jury awards \$3 million to UT engineering professor in pregnancy, sex discrimination suit



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A jury has awarded more than \$3 million to a University of Texas engineering professor who argued that the university discriminated against her based on her sex and pregnancy.

Evdokia Nikolova, an assistant professor of electrical and computer engineering, filed a federal lawsuit in the U.S. District Court for the Western District of Texas in September 2019 alleging that UT denied her tenure because of her gender and pregnancy and violated Title VII of the Civil Rights Act of 1964, which prohibits sex-based discrimination.

On Friday, after a trial, the jury found that UT had engaged in unlawful discrimination and awarded Nikolova \$1 million in damages for past pain and suffering, \$2 million for future pain and suffering, and \$50,000 in back pay and benefits.

Bob Schmidt, Nikolova's lawyer, said the jury felt that UT's decision to deny Nikolova tenure has caused "incredible" pain and damage to her career and reputation. He said the verdict helps show that discrimination against women in STEM still exists, and it shouldn't go unchecked.

"If discrimination goes unchecked at UT-Austin, one of our state's most important and powerful institutions, it can and will happen anywhere," Schmidt said. "We're glad the jury saw that and wanted to help not just Dr. Nikolova, but to stop discrimination from happening to other women and moms."

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Although the jury awarded Nikolova \$3 million, Schmidt said the final maximum she can receive in damages for pain and suffering is \$300,000 under the case law. He said the federal judge still needs to review the verdict and issue a final decision, and UT can still appeal the verdict.

"The university stands by its arguments made in this case before the court," UT spokesperson Eliska Padilla said. "We will continue to examine ways to improve our processes and will implement any required steps to comply with the verdict."

According to the original lawsuit, Nikolova was an assistant professor at Texas A&M University for more than two years before she began to work at UT. Ahmed Tewfik, the former chair of the department of electrical and computer engineering, told her that her prior experience at A&M would count toward her tenure review period, the suit said.

However, according to UT's Handbook of Operating Procedures, prior academic work at other universities does not count toward the time required for tenure.

While she was a professor at UT, Nikolova also took a "probationary extension" and "modified instructional duty" for pregnancy and the birth of her son during the 2015-16 academic year. The policy is designed to provide an extension during the tenure review period to new parents, the suit said.

UT considered Nikolova for tenure during the 2018-19 academic year after she had completed seven academic years as an assistant professor — 4½ at UT and 2½ at A&M. Assistant professors are normally considered for tenure after completing five full academic years.

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Nikolova received positive reviews and strong support for her application for tenure. She received a unanimous vote from the Cockrell School of Engineering's Tenure and Promotion Committee in favor of tenure, multiple letters of support from scholars in her field and a recommendation from the chair of her department.

Nikolova also has degrees from Harvard University, Cambridge University and the Massachusetts Institute of Technology. However, she was denied tenure by Sharon Wood, the former dean of the Cockrell School of Engineering and current UT provost, who said Nikolova had not completed enough years as an assistant professor at UT.

"(I)f this were an up-or-out case, I would likely agree with the recommendation of the Promotion and Tenure committee. However, Dr. Nikolova is being considered for promotion at UT Austin two years early," Wood wrote, according to the suit.

Nikolova's lawyers argued that UT discriminated against her by not giving her tenure based on the probationary extension and the modified instructional duty she took for her pregnancy.

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According to the suit, UT violated federal law by holding Nikolova to a higher level of scrutiny compared with male assistant professors and assistant professors who were not pregnant. UT's "probationary extension" and "modified instructional duty" policies also discriminate against female professors and people who become pregnant, the lawsuit said.

UT argued in a previous court filing that all decisions and actions regarding Nikolova would have been taken regardless of any "allegedly unlawful motives," including sex and pregnancy discrimination, and its policies don't have a disproportionately negative effect on women or pregnant people.

Nikolova said in the suit that she suffered from damages in the form of lost wages and benefits as well as "loss of standing in the community, damage to reputation, loss of career advancement" and other losses.